

A. G. Contract No. KR900770TRD
ECS File: JPA-88-62
Project: F-013-1-505C/H0336 04C
Section: E. Gate-Charleston Rd.

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
CITY OF SIERRA VISTA

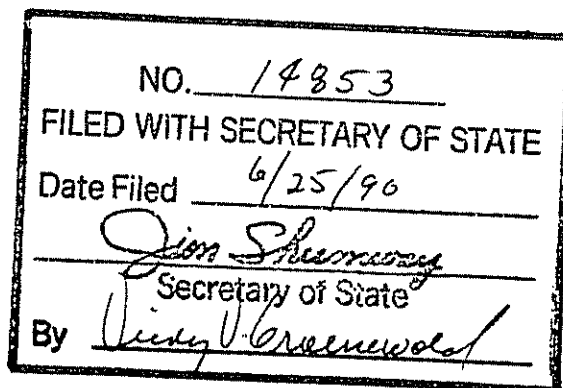
THIS AGREEMENT is entered into 25 June, 1990,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
City of Sierra Vista, acting by and through its City Council
(the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the City.

3. Incident to an improvement project to State Route
(SR-90) the State now has in progress, the City has requested,
and the State has agreed, to install curb & gutter, sidewalk,
and a bike path along the east side of SR-90 from Charleston
Road to Mid Section Line Road, to extend drainage structures
within the area, to install a right turn lane at Mid Section
Line Road, and to install signing, striping and traffic control
appurtenances for the improvements, including signal conduit
under SR-90 and Mid Section Line Road, hereinafter referred to
as the Project, at an estimated cost of \$78,797.00, all at City
expense.



THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Prepare Project plans, specifications and such other documents necessary for construction bidding and construction. Incorporate City review comments.

b. Call for bids and award one or more construction contracts. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation attributable to State.

c. Upon completion and acceptance of the Project, invoice the City the actual cost of the Project.

2. The City will:

a. Review design documents and provide comments as appropriate.

b. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to City.

c. Upon completion and acceptance of the Project by the State, reimburse the State the reasonable actual costs of the Project within thirty days after receipt of invoice.

d. Upon completion and acceptance by State, provide maintenance to the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Arizona Department of Transportation
Engineering Consultants Services
205 South 17 Avenue, Room 118E
Phoenix, AZ 85007

City of Sierra Vista
City Manager
2400 E. Tacoma Street
Sierra Vista, AZ 85635

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SIERRA VISTA

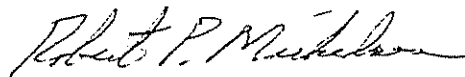
By 

Carl Frieders
Mayor

Title

STATE OF ARIZONA

Department of Transportation

By 

ROBERT P. MICKELSON
Deputy State Engineer

ECS FILE: IGA-88-62

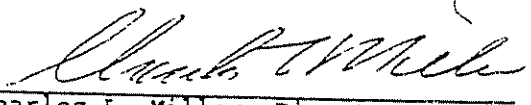
PROJECT: F-013-1-305PE, -505C

SECTION: East Gate - Charleston Rd.

RESOLUTION

BE IT RESOLVED on this 3 day of August, 1988, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the City of Sierra Vista for additional pavement, curb, gutter, and sidewalk improvements in conjunction with roadway improvements to S.R. 90 from Milepost 317.0 to Milepost 321.0.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.



Charles L. Miller, Director
Arizona Department of Transportation

RESOLUTION 2403

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING THE TRANSPORTATION GOAL OF THE VISTA 2000 GENERAL DEVELOPMENT PLAN AND REAFFIRMING SETTLED POLICY TO CONTRACT WITH OTHER GOVERNMENTAL AGENCIES TO PERFORM SERVICES, AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA (ADOT), FOR STREET IMPROVEMENTS ALONG THE EAST SIDE OF SR 90 IN FRONT OF PLAZA VISTA MALL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City desires to complete street improvements required to comply with the Plaza Vista Mall annexation agreement; and

WHEREAS, the City has requested and the State of Arizona has agreed, in conjunction with the State's project, to install curb and gutter, sidewalk, and a bike path along the east side of SR-90 from Charleston Road to Mid-Section Line Road, to extend drainage structures within the area, to install a right turn lane at Mid-Section Line Road and to install signing, striping and traffic control appurtenance for the improvements, including signal conduit under SR-90 and Mid-Section Line Road; and

WHEREAS, the City and State, in accordance with A.R.S. 48-572 and A.R.S. 28-108, are empowered to contract or agree to jointly contract for services and/or jointly exercise any powers common to both parties which will mutually benefit both City and State; and

WHEREAS, upon completion and acceptance of the project, the City shall reimburse the State the reasonable actual costs of the project; and

WHEREAS, the settled policy of the City Council, most recently affirmed by Resolution 2322, to contract with other governmental agencies to perform services whenever it is determined to be in the best interest of the citizens of Sierra Vista to not duplicate the ability to perform the service, be and hereby is, reaffirmed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

Section 1

A. That the Transportation Goal and Planning Policies 1 through 4 thereof be, and hereby are, reaffirmed.

B. That the settled policy most recently affirmed by Resolution 2322, to contract with other governmental agencies to perform services whenever it is determined to be in the best interest of the citizens of Sierra Vista to not duplicate the ability to perform the service be, and hereby is, reaffirmed.

C. That the settled policy most recently affirmed by Resolution 2392 to enter into an intergovernmental agreement with another public agency be, and hereby is, reaffirmed.

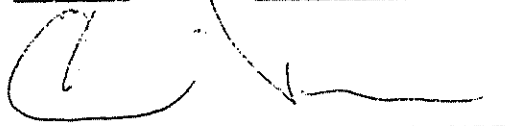
Section 2

That the City be and hereby is, authorized to enter into an Intergovernmental Agreement with the State of Arizona, for street improvements along the east side of SR 90 in front of Plaza Vista Mall, as outlined in Exhibit "A", attached hereto and made a part hereof.

Section 3


That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 24th DAY OF MAY 1990.

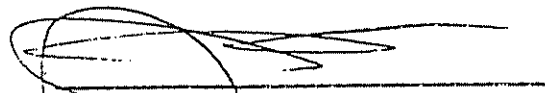


CARL FRIEDERS
Mayor


ATTEST:


BRUCE MORDHORST
City Clerk

APPROVED AS TO FORM:


FAUVER & TELL
City Attorney

PREPARED BY:


YOLANDA C. JONES
Assistant Purchasing Agent

RESOLUTION 2403
PAGE THREE OF THREE
ATTACHMENT - EXHIBIT A
RESLAND.YCJ/TXT/YCJ

JPA 88-62

APPROVAL OF THE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 31st day of MAY, 1990.

A handwritten signature in cursive script, appearing to read "Gerald A. L.", written over a horizontal line.

City Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A.G. Contract No. KR90-0770-TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 21st day of June, 1990.

ROBERT K. CORBIN
Attorney General

A handwritten signature in black ink, appearing to read "James R. Redpath", is written over the typed name and title.

JAMES R. REDPATH
Chief Counsel
Transportation Division

6240G:2